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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,222	10/11/2000	Siddhartha Nag	59033-278849	7951

7590 07/26/2005

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,222

Applicant(s)

NAG ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 6-23 and 26-71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 5, 24, 25 and 72-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the Office action from Examiner Kianersi dated 11/10/2004 and the agreement by Applicant to the current Examiner of Record's requirement for restriction have caused the finality of that action to be withdrawn. As agreed to in the telephonic interview of 3/22/2005, a new search of the prior art has been executed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 24-25 and 74-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In regard to these claims, the Examiner is unclear whether the machine-readable medium includes a storage medium and/or communication/transmission media. If the medium includes transmission media, then it is unstatutory. See specification, page 10, line 17 – page 11, line 3, where a computer program product may be a machine-readable medium (or other type of media/machine-readable medium suitable for storing electronic instructions) or downloaded by way of data signals embodied in a carrier wave.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 4-5, 24-25, and 72-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Datta et al. (U.S. Patent No. 6,209,033).

7. In regard to claims 4, 24, 76, 80 and 84, Datta discloses *displaying graphical representations of a first media aggregation manager and a second media aggregation manager, the first and second media aggregation managers capable of serving as reservation session aggregation points on behalf of a first user community and a second user community, respectively, the first user community and the second user community communicatively coupled by a plurality of physical paths through which media packets may be exchanged by way of one or more packet forwarding devices; displaying a first projected link utilization schedule in response to a first request to analyze the effect of conveying media packets between the first user community and the second user community over a first path of the plurality of physical paths, the first projected link utilization schedule illustrating predicted bandwidth usage for routers associated with the first path; and displaying a second projected link utilization schedule in response to a second request to analyze the effect of conveying media packets between the first user community and the second user community over a second path of the plurality of physical paths, the second projected link utilization schedule illustrating predicted bandwidth usage for routers associated with the second path.* Datta discloses network capacity and evaluation planning. A link's traffic is measured and compared to its capacity. Simulated changes to the network configuration are then made. An analysis is performed to see whether the new configuration is preferable to the old configuration. See Datta, column 2, lines 22-23, lines 35-40, lines 61-67, column 3, lines 1-10, lines 36-41, column 5, lines 10-25, column 6, lines 22-26, lines 45-65, column 7, lines 20-33.

8. In regard to claims 5, 25, 77, 81 and 85, Datta is applied as in claims 4, 24, 76, 80 and 84. Datta further discloses *overlaying a selected path of the plurality of physical paths onto existing bandwidth allocations to determine a projected link utilization associated with the selected path.* Datta discloses comparing an alternate network configuration with the original network configuration in the rejection of claim 4.

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9. In regard to claims 72, 74, 78, 82 and 86, Datta is applied as in claims 4, 24, 76, 80 and 84.

Datta further discloses *displaying the first path and the second path prioritized based upon one or more predetermined factors*. See Datta, column 6, lines 21-26.

10. In regard to claims 73, 75, 79, 83 and 87, Datta is applied as in claims 72, 74, 78, 82 and 83.

Datta further discloses *the one or more predetermined factors include one or more of: a number of nodes in the first path or the second path; total available bandwidth for the first path or the second path; available communications bandwidth on the first path or the second path; and physical length of travel between nodes that make up the first path or the second path*.

11. Claims 4-5, 72-73 and 76-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Montulli (U.S. Patent No. 5,826,242).

12. Claims 4-5, 72-73 and 76-87 all are directed to a *method of allowing a user to interactively explore changes in path selection*. Along that line of logic, there is nothing claimed that **prevents** a user from interactively exploring changes in path selection. Since nothing in Montulli prevents a user from interactively exploring changes in path selection, it can be broadly interpreted to read on a *method of allowing a user to interactively explore changes in path selection*. The Examiner suggests that Applicant modify the preamble to these claims to avoid stating the invention is **allowing a user** to do anything.

Response to Arguments

13. Applicant's arguments with respect to claims 4-5 and 24-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cooper et al.

U.S. Patent No. 5,809,282

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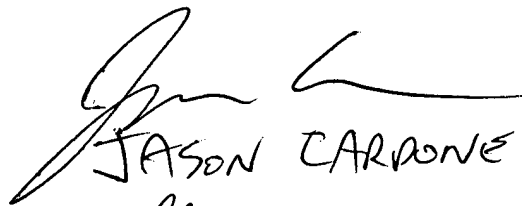
15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JASON CARBONE
Primary Ex.
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